

**REMARKS**

Claims 1-4 are pending in this application. This Amendment amends claims 1, 3 and 4. This Amendment adds no new matter.

Claims 1-4 were rejected under 35 U.S.C. §102(b) as anticipated by or, under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,692,950 (Rutherford). The rejection is respectfully traversed.

Rutherford fails to disclose or suggest a buffer member provided between the polishing body and a rigid member, as recited in claim 1.

Rutherford discloses an abrasive construction comprising a fixed abrasive article 16 (polishing body), a rigid element 12 and a resilient element 14, wherein the rigid element 12 is interposed between the resilient element 14 and the fixed abrasive article 16 (Fig. 1). Rutherford's resilient element 14 (identified as a buffer member in the Office Action) is not between the rigid element 12 and a fixed abrasive article 16. In this way, Rutherford teaches a configuration for the abrasive construction that is different from the apparatus for polishing an optical disk as recited in claim 1.

As described in Applicants' specification (page 6, lines 7-16 and Fig. 6), by not having a rigid member provided between the buffer member and the polishing body, abrasive filing particles can become embraced and deep scratches on the polished body can be avoided. As Rutherford fails to disclose or suggest a buffer member provided between the polishing body and a rigid member, as recited in claim 1, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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